

Application: 09/851,624

Filed: May 8, 2001

In Response to Office Action of: October 24, 2005

Response Dated: April 24, 2006

**IN THE DRAWINGS**

10. Please cancel without prejudice drawing sheets for Figs. 2, 3A, 3B, 3C and 4  
though 6, as required by the office action.

Application: 09/851,624

Filed: May 8, 2001

In Response to Office Action of: October 24, 2005

Response Dated: April 24, 2006

#### **IV. REMARKS**

14. The Office Action dated October 24, has been carefully considered.

Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested.

##### **A. Overview of Office Action**

15. The office action:

- Withdrew previously pending rejection under 35 U.S.C. 101.
- Objected to the specification under 35 U.S.C. 132(a).
- Objected to the new drawing filed on 5 October 2005.
- Rejected claims 1-21 under 35 U.S.C. 112, 1<sup>st</sup> paragraph.
- Rejected claims 1-21 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.
- Require appropriate cancellations, clarifications and corrections.

##### **B. Title Amendment**

16. The title of the invention has been changed to "DATA-DRIVEN INTERNET SURVEY SYSTEM." This change removes the form of the word "benchmark" which is no longer in the claims and provides a descriptive title of the invention as currently claimed.

##### **C. Specification Amendments**

17. The office action required cancellation of much of the explanatory examples and drawings that were provided to clarify details of the information inherent in the original disclosure. Although care was taken not to add new matter, and although Applicant believes that the prior amendment did not go beyond the scope of the original disclosure, much of the new explanatory material has been removed as required by the office action.

Application: 09/851,624

Filed: May 8, 2001

In Response to Office Action of: October 24, 2005

Response Dated: April 24, 2006

18. A substitute specification has been provided along with a marked up copy showing changes.

**D. Claim Amendments**

19. Claim 1 has been amended, as required by the office action at ¶9, to remove the "such as" clause. Claim 1 has also been amended to remove the work "benchmark."

**E. Knowledge of One of Ordinary Skill in the Art**

20. As of May 8, 2000, the art of this invention is a hybrid one that includes at least that arts of survey design, survey taking, database design, Internet networking, Internet server design and content, and Internet client design. One of ordinary skill in this high technology, emerging, hybrid art would have a high degree of skill, experience, and understanding. Further, this individual would be familiar with the techniques required to build multiple version of a computer based surveys, including having objectives for surveys, use of multiple questions types, assigning answer values, goals, and associated weights to each question. This person would have also known how to tally the results to determine an index.

21. The office action poses many questions that were answered in the previous amendments that are now objected to. Applicant submits that one of ordinary skill in the art (as discussed above) would have understood the answers to these questions, even without the explanatory examples and figures that have now been removed.

22. Further, applicant submits that the current claims are supported by the original written description, and by Figure 1 as contained in the original disclosure.

Application: 09/851,624

Filed: May 8, 2001

In Response to Office Action of: October 24, 2005

Response Dated: April 24, 2006

**F. Claims Supported by Written Description and Figure 1**

23. Applicant has reviewed the current claims and submits that the elements are described in the written description, and shown in Figure 1, as originally disclosed. For example, claim 1 discloses a survey system comprising a secure server, a network, and client computers and respondent computers. These elements are supported by paragraphs 29 through 32 of the published disclosure:

[0029] FIG. 1 illustrates the process flow of Survey System. The survey system comprises a secure server 100, a server web site 110, a client web site 150, each connect to a network 170.

[0030] The secure server 100 comprises a member database, a client survey database, survey templates database, a client respondent/other data database, and a respondent member database.

[0031] Client users 130, namely client marketers and managers, signup for membership, design, post, and obtain reports, select respondent demographics, and maintain client responding and other data via the server web site 110.

[0032] Individuals who are interested in taking surveys, namely respondent members 120, sign up as respondent members 120 via the server web site 110 and when notified of a survey request and then respond to the survey via the client web site 150

24. As shown in FIG 1., and as is inherent in the Internet, clients and respondents use computers to access the server over the Internet. Applicant submits that the other limitations of claim 1 are contained in the words of the original disclosure and are supported by FIG 1.

Application: 09/851,624

Filed: May 8, 2001

In Response to Office Action of: October 24, 2005

Response Dated: April 24, 2006

**G. Request Based on MPEP 707.07(j)**

25. The applicant appreciates the examiner's thoughtful analysis and feedback on the previously presented specification and claims. The suggestions for correcting the defects in the specification and claims have been very insightful and helpful.

26. The pro se applicant renews the request made under MPEP 707.07(j).

Applicant submits that the application as amended contains patentable subject matter. Applicant, in this amendment, has attempted to present amended and new claims that claim subject matter which is supported by the specification, and that meet the other form requirements.

27. Applicant requests, based on MPEP 707.07(j), that the currently amended claims be considered, and if necessary, used as a basis for the examiner to "draft one or more claims for the applicant". Applicant believes that this would "expedite prosecution and offer a service to individual inventors not represented by a registered patent attorney or agent" as is expected under MPEP 707.07(j).

The undersigned respectfully submits that, in view of the foregoing amendments and remarks, the present application is believed to be in condition for allowance. It is respectfully requested that this application be considered and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned at 408-739-9517.

Respectfully submitted,

Page 21 of 22

Application: 09/851,624

Filed: May 8, 2001

In Response to Office Action of: October 24, 2005

Response Dated: April 24, 2006

\_\_\_\_\_  
Date: April 24, 2006

Kendyl A. Román, Assignee  
730 Bantry Court  
Sunnyvale, CA 94087  
Phone: 408-739-9517